

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN KEITH MCNUTT,

No. 2:20-cv-0780 AC P

Plaintiff,

v.

JOHN DOE,

ORDER AND FINDINGS AND
RECOMMENDATIONS

Defendant.

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. ECF No. 1. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

By order issued June 30, 2020, plaintiff was ordered to file a completed in forma pauperis affidavit and a certified copy of his prison trust account statement, and he was cautioned that failure to do so would result in a recommendation that this action be dismissed. The twenty-one-day period has now expired, and plaintiff has not filed the required documents.

In accordance with the above, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a District Court Judge to this case, and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days

1 after being served with these findings and recommendations, plaintiff may file written objections
2 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings
3 and Recommendations." Plaintiff is advised that failure to file objections within the specified
4 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
5 (9th Cir. 1991).

6 DATED: July 27, 2020

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8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE

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